

Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchev
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock

ANSWERED "PRESENT"—7

Berry	Lummis	Westmoreland
Chaffetz	Oberstar	
DeFazio	Rooney	

NOT VOTING—19

Bachus	Gordon (TN)	Reyes
Barrett (SC)	Hinojosa	Rush
Billray	Hoekstra	Sánchez, Linda
Bonner	Jackson Lee	T.
Diaz-Balart, M.	(TX)	Schwartz
Engel	Kirk	Souder
Garamendi	Ortiz	Wamp

□ 1418

Mr. CONYERS changed his vote from "no" to "aye."

Mr. DEFAZIO changed his vote from "aye" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 100TH ANNIVERSARY OF NORTH CAROLINA CENTRAL UNIVERSITY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1361, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1361, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. DRIEHAUS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 1, not voting 22, as follows:

[Roll No. 287]

AYES—408

Ackerman	Broun (GA)	Conyers	Fallon	Linder	Rodriguez
Aderholt	Brown (SC)	Cooper	Farr	Lipinski	Roe (TN)
Adler (NJ)	Brown, Corrine	Costa	Fattah	LoBiondo	Rogers (AL)
Akin	Brown-Waite,	Costello	Filner	Loeb sack	Rogers (KY)
Alexander	Ginny	Courtney	Flake	Lofgren, Zoe	Rogers (MI)
Altmire	Buchanan	Crenshaw	Fleming	Lowey	Rohrabacher
Andrews	Burgess	Critz	Forbes	Lucas	Rooney
Arcuri	Burton (IN)	Crowley	Fortenberry	Luetkemeyer	Ros-Lehtinen
Austria	Butterfield	Cuellar	Foster	Luján	Roskam
Baca	Buyer	Culberson	Fox	Lummis	Ross
Bachmann	Calvert	Cummings	Frank (MA)	Lungren, Daniel	Rothman (NJ)
Baird	Camp	Dahlkemper	Franks (AZ)	E.	Roybal-Allard
Baldwin	Campbell	Davis (AL)	Frelinghuysen		Royce
Barrow	Cantor	Davis (CA)	Fudge	Mack	Ruppersberger
Bartlett	Cao	Davis (IL)	Gallely	Maffei	Rush
Barton (TX)	Capito	Davis (KY)	Garrett (NJ)	Maloney	Ryan (OH)
Bean	Capps	Davis (TN)	Gerlach	Manzullo	Ryan (WI)
Becerra	Capuano	DeFazio	Giffords	Marchant	Salazar
Berkley	Cardoza	DeGette	Gingrey (GA)	Markey (CO)	Sanchez, Loretta
Berman	Carnahan	DeLauro	Gohmert	Markey (MA)	Sarbanes
Biggert	Carney	Dent	Gonzalez	Marshall	Scalise
Bishop (GA)	Carson (IN)	Deutch	Goodlatte	Matheson	Schakowsky
Bishop (NY)	Carter	Diaz-Balart, L.	Granger	Matsui	Schauer
Bishop (UT)	Cassidy	Dicks	Graves	McCarthy (CA)	Schiff
Blackburn	Castle	Dingell	Grayson	McCarthy (NY)	Schmidt
Blumenauer	Castor (FL)	Doggett	Green, Al	McCaul	Schock
Blunt	Chaffetz	Donnelly (IN)	Green, Gene	McClintock	Schrader
Bocieri	Chandler	Doyle	Griffith	McCollum	Scott (GA)
Boehner	Childers	Dreier	Grijalva	McCotter	Scott (VA)
Bono Mack	Chu	Drie haus	Guthrie	McDermott	Sessions
Boozman	Clarke	Duncan	Gutierrez	McGovern	Serrano
Boren	Clay	Edwards (MD)	Hall (NY)	McHenry	Sessions
Boswell	Cleaver	Edwards (TX)	Hall (TX)	McIntyre	Sestak
Boucher	Clyburn	Ehlers	Halvorson	McKeon	Shadegg
Boustany	Coble	Ellison	Hare	McMahon	Shea-Porter
Boyd	Coffman (CO)	Ellsworth	Harman	McMorris	Sherman
Brady (PA)	Cohen	Emerson	Harper	Rodgers	Shimkus
Brady (TX)	Cole	Engel	Hastings (FL)	McNerney	Shuler
Braley (IA)	Conaway	Eshoo	Hastings (WA)	Meek (FL)	Shuster
Bright	Connolly (VA)	Etheridge	Heinrich	Meeks (NY)	Simpson
			Heller	Melancon	Sires
			Hensarling	Mica	Skelton
			Herger	Michaud	Slaughter
			Herseth Sandlin	Miller (FL)	Smith (NE)
			Higgins	Miller (MI)	Smith (NJ)
			Hill	Miller (NC)	Smith (TX)
			Himes	Miller, Gary	Smith (WA)
			Hinchev	Miller, George	Snyder
			Hirono	Mitchell	Space
			Hodes	Mollohan	Speier
			Holden	Moore (KS)	Spratt
			Holt	Moore (WI)	Stark
			Honda	Moran (VA)	Stearns
			Hoyer	Moran (KS)	Stupak
			Hunter	Murphy (CT)	Sullivan
			Inglis	Murphy (NY)	Sutton
			Inlee	Murphy, Patrick	Tanner
			Israel	Murphy, Tim	Teague
			Issa	Myrick	Terry
			Jackson (IL)	Nadler (NY)	Thompson (CA)
			Jenkins	Napolitano	Thompson (MS)
			Johnson (GA)	Neal (MA)	Thompson (PA)
			Johnson (IL)	Neugebauer	Thornberry
			Johnson, E. B.	Nunes	Tiahrt
			Johnson, Sam	Oberstar	Olson
			Jones	Obey	Oliver
			Jordan (OH)	Olson	Owens
			Kagen	Oliver	Pallone
			Kanjorski	Owens	Pascrell
			Kaptur	Pallone	Pastor (AZ)
			Kennedy	Pascrell	Paul
			Kildee	Pastor (AZ)	Paulsen
			Kilpatrick (MI)	Paul	Payne
			Kilroy	Paulsen	Pence
			Kind	Payne	Perlmutter
			King (IA)	Pence	Perriello
			King (NY)	Perlmutter	Peters
			Kingston	Perriello	Peterson
			Kirkpatrick (AZ)	Peters	Petri
			Kissell	Peterson	Pingree (ME)
			Klein (FL)	Petri	Pitts
			Kline (MN)	Pingree (ME)	Platts
			Kosmas	Pitts	Poe (TX)
			Kratovil	Platts	Polis (CO)
			Kucinich	Poe (TX)	Pomeroy
			Lamborn	Polis (CO)	Posey
			Lance	Pomeroy	Price (GA)
			Langevin	Posey	Price (NC)
			Larsen (WA)	Price (GA)	Putnam
			Larson (CT)	Price (NC)	Quigley
			Latham	Putnam	Radanovich
			LaTourette	Quigley	Rahall
			Latta	Radanovich	Rangel
			Lee (CA)	Rahall	Rehberg
			Lee (NY)	Rangel	Reichert
			Levin	Rehberg	Richardson
			Lewis (CA)	Reichert	
			Lewis (GA)	Richardson	

NOES—1

Young (AK)

NOT VOTING—22

Bachus	Garamendi	Nye
Barrett (SC)	Gordon (TN)	Ortiz
Berry	Hinojosa	Reyes
Bilbray	Hoekstra	Sánchez, Linda
Bilirakis	Jackson Lee	T.
Bonner	(TX)	Schwartz
Delahunt	Kirk	Souder
Diaz-Balart, M.	Minnick	Wamp

□ 1426

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 287, had I present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 286 and 287, had I been present, I would have voted “yes” on both votes.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, on rollcall Nos. 286 and 287, if I had been present, I would have voted “yes”.

GRANTING AUTHORITY TO COMMITTEE ON EDUCATION AND LABOR FOR PURPOSES OF ITS INVESTIGATION INTO UNDERGROUND COAL MINING SAFETY

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1363 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1363

Resolved, That the Committee on Education and Labor is granted the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives in furtherance of the investigation by such committee into underground coal mine operator compliance with the Federal Mine Safety and Health Act of 1977, as amended, and into other related matters.

SEC. 2. (a) The chair of the Committee on Education and Labor shall transmit to the Committee on Rules, not later than 2 days following an adjournment sine die of the second session of the 111th Congress, or January 2, 2011, whichever occurs first, a report on the activities of the Committee on Education and Labor undertaken pursuant to this resolution. Such report shall indicate—

- (1) the total number of depositions taken;
- (2) the number of depositions taken pursuant to subpoenas; and
- (3) the name of each deponent that the committee has publicly identified by name as a deponent.

(b) Upon receipt of the report described in subsection (a) by the Committee on Rules, the chair of the Committee on Rules shall submit such report for publication in the Congressional Record.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides the Committee on Education and Labor with deposition authority in connection with its investigation of underground mine safety. The resolution also requires the Education and Labor Committee to report to the Rules Committee on its use of the authority by the end of this congressional session.

□ 1430

Mr. Speaker, we’re here today with a pretty straightforward mission. We want to empower the men and women who are investigating the causes of the serious safety problems facing miners in America.

As we saw recently with the terrible disaster at Upper Big Branch Mine in Raleigh County, West Virginia, there’s some combination of industrial wrongdoing there and inadequate regulation that we must address. The explosion at Upper Big Branch in April killed 29 coal miners, ripped apart an entire community and State, and was the worst mine disaster in this country since 1970.

Why is Congress involved? Because one of our most serious responsibilities as lawmakers is oversight and investigation. And from what we’ve been able to tell from the facts so far, there is an urgent and compelling need for the public to know all the facts surrounding this and other recent mining tragedies.

I come to this issue with a personal feeling. Many of my constituents back home and some here know that I was born in Harlan County, Kentucky, in the midst of some of the best bituminous coal on Earth. Some of my earliest memories are hearing the whistle blow at night over at the mine. Even the smallest child, as I was then, knew what that whistle meant. It meant serious trouble at the mine.

The pain and suffering endured by miners in Kentucky and West Virginia and everywhere else should inspire us to do everything in our power to make this dangerous and volatile work environment as safe as we possibly can. The bottom line should never supersede a human life.

The resolution before us today would give the House Committee on Edu-

cation and Labor staff authority to take depositions as they pursue their investigation. We know that greater review of this issue is sorely needed. There are far too many unanswered questions surrounding underground coal mine operator compliance with the Federal Mine Safety and Health Act, and the safety of every single miner in this country depends on answering those questions.

Getting to the truth on mining safety is not a partisan issue, and empowering staff to get the truth is in everyone’s interest. Granting a committee this sort of authority is not without precedent. In numerous times over the years, Congress has approved resolutions such as this to provide temporary powers to committees trying to get at the truth. And every piece of information that comes from the questioning will be obtained by and shared with members of the committee from both parties.

The House gave the Education and Labor Committee similar authority during a probe into a mining accident just a few years ago. It was in the 110th Congress that the Education and Labor Committee was given staff deposition authority in their 2007–2008 investigation into the deaths of nine miners and rescue workers at the Crandall Canyon Mine near Huntington, Utah. That led to strengthening mine safety with laws that may be too lax in enforcement.

Among the issues the committee wishes to delve into is the growth of the number of mine safety enforcement cases that are pending before the Federal Mine Safety and Health Review Commission. The Commission is meant to serve as an independent agency that provides administrative trial and appellate review to contested citations, penalties, and worker retaliation cases.

In reality, though, the increased enforcement and tougher penalties that followed several high-profile mine accidents in 2005 and 2006 has swamped the Commission. Mine owners have tripled the number of violations that they appeal, and they contest 67 percent of all penalties that are assessed. As a result, the government is facing a lengthy backlog of cases at the Commission that has surged from 2,100 in 2006 to approximately 16,000 in February of this year.

This deposition power for the committee will help to prod reluctant witnesses who have important insight into this issue but might otherwise not be willing to offer testimony. This is an important tool, and I urge my colleagues to rise and support me on this plan here today.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material in the RECORD.)

Mr. DREIER. Mr. Speaker, I am going to do something that is somewhat unusual. I would like to, as I did